

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Constitutional Petition No. D-142 of 2026

Before:
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.

Petitioner: Mazhar Ali son of Soze Ali *through*
Mr. Habibullah G. Ghouri, Advocate

Respondents: Province of Sindh and others,
Through, Mr. Mohsin Ali Khan
Assistant Advocate General, along
with Inspector Akhtar Ali Bhutto on
behalf of D.I.G.P. Range Police,
Larkana.

Date of hearing: 29-09-2026

Date of Order: 29-09-2026

ORDER

Ali Haider 'Ada', J:-, Through this petition, the petitioner seeks issuance of an appointment order for the post of Police Constable, contending that he was declared a successful candidate after securing 87 marks out of 100. His name was also included in the merit list; however, his candidature was subsequently rejected on account of pendency of a criminal case registered for offences punishable under Sections 419, 420 and 34, PPC. In this regard, letter dated 23.05.2025 was issued by the Additional Inspector General of Police/Establishment-II, on behalf of the Inspector General of Police, Sindh, whereby the candidature of the petitioner was rejected on the ground of pendency of the said criminal case.

2. Learned counsel for the petitioner submits that mere pendency of a criminal case cannot constitute a valid ground for denial of appointment, particularly when the petitioner has subsequently been acquitted by the learned Judicial Magistrate-III, Larkana, in the said case. Learned counsel has placed reliance upon Petition Nos.704 of 2023 and 81 of 2024, wherein the Division Bench of this Court at Larkana, in similar circumstances, directed that candidates be considered for appointment in the Sindh Police Department notwithstanding the pendency of criminal cases, particularly where they were subsequently acquitted. Learned counsel, therefore, seeks similar treatment for the present petitioner.

3. On the other hand, learned Assistant Advocate General has filed para-wise comments on behalf of respondents No.3 and 4, wherein the principal stance taken is that the petitioner's candidature was withdrawn due to pendency of the criminal case. However, respondent No.4 has specifically stated in its comments that, after his acquittal, the petitioner did not approach the concerned authority for reconsideration or further processing of his candidature. Learned AAG has relied upon the said comments in support of the respondents' stance.

4. Heard and perused.

5. Recently, the **Honourable Federal Constitutional Court of Pakistan**, in **C.P.L.A. No.51-L of 2018 and C.P.L.A. No.2007-L of 2019, Inspector General of Police, Punjab, Lahore, etc. v. Muhammad Akmal and Province of Punjab through Secretary Home Department, Lahore, etc. v. Muhammad Saqlain**, respectively, decided on 16.03.2026, examined the question whether mere registration or pendency of a criminal

case could constitute a permanent bar to appointment in the Police Department. The Honourable Court observed, *inter alia*, as under:

12. *These considerations do not curtail the discretion of the appointing authority; rather, they ensure that such discretion is exercised in accordance with constitutional norms. The Police Department continues to retain the authority to refuse appointment where the surrounding circumstances legitimately demonstrate that a candidate is unsuitable for induction into a disciplined force. What is constitutionally impermissible is to treat every person against whom an FIR was once registered as permanently disqualified, irrespective of the final judicial outcome and without any independent evaluation of the candidate's antecedents.*

13. *Where a candidate has neither concealed material information nor been convicted of any offence, and the criminal proceedings have concluded in his favour, the historical fact of registration of an FIR cannot, standing alone, furnish a lawful basis for denying public employment. Such a construction would effectively impose a continuing civil disability despite the absence of any finding of guilt and would defeat the constitutional requirement that executive action remain fair, reasonable and non-arbitrary. If the competent authority nonetheless forms the opinion that the candidate is unsuitable, such opinion must be demonstrably based upon relevant considerations disclosed from the record and not merely upon the previous existence of criminal proceedings.*

14. *The policy letter in question must therefore be read as enabling antecedent verification and not as creating an absolute prohibition against appointment. Any interpretation that converts the policy into a permanent and inflexible bar solely because a criminal case had once been registered would exceed the permissible limits of executive authority and would be incompatible with the constitutional guarantees governing public employment and lawful exercise of administrative discretion.*

15. *We accordingly hold that the mere registration of a criminal case against a candidate seeking appointment in the Police Department does not constitute a permanent bar to appointment under the policy letter where the candidate has subsequently been acquitted and has not concealed any material fact during the recruitment process. The appointing authority must undertake an individualized assessment of suitability, supported by cogent reasons, keeping in view the nature of the allegations, the manner in which the criminal proceedings concluded, and all other relevant circumstances. A refusal founded solely upon the previous registration of an FIR, without such assessment, cannot be sustained in law.*

6. In view of the authoritative pronouncement of the Honourable Federal Constitutional Court, the competent authorities are required to consider the petitioner's case in accordance with the principles laid down therein. Accordingly, the petitioner's candidature cannot be rejected solely on the ground of pendency of the criminal case, particularly where he has subsequently been acquitted.

7. For the foregoing reasons, the Inspector General of Police, Sindh, Karachi (Respondent No.2), is directed to reconsider the case of the petitioner in the light of the judgment referred to hereinabove and pass a well-reasoned and speaking order after considering all relevant aspects of the matter, within a reasonable period.

8. The instant petition is accordingly disposed of in the above terms.

JUDGE

JUDGE